

A regular meeting of Borough Council was held at 7:30 PM, Monday, May 9, 2011. Mayor Frank M. North presided. Pledge of Allegiance and Silent Prayer were observed. Announcement was made that the meeting had been advertised in accordance with the regulations prescribed by the "Open Public Meetings Act".

**ROLL CALL:**

Council Present: Perno (arrived 7:35), Madden, Brennan, Brickley, Volkert and Fields.  
Clerk Brouse, Solicitor Higgins and CFO Moules were present.

**PUBLIC HEARING ON ORDINANCE 11-02 CAPITAL BUDGET**

None

**ADOPT ORDINANCE 11-02 CAPITAL BUDGET**

On a motion of Mr. Brickley and second of Mr. Perno, Council adopted the following Ordinance:

**BOROUGH OF MERCHANTVILLE, NEW JERSEY  
ORDINANCE 2011-02**

**BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS PIECES OF CAPITAL EQUIPMENT AND THE COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY; APPROPRIATING THE SUM OF \$175,030 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$166,278, MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

**BE IT ORDAINED** by the Borough Council of the Borough of Merchantville, County of Camden, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Borough of Merchantville, County of Camden, New Jersey ("Borough").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Borough from all sources for the purposes stated in Section 7 hereof is \$175,030;
  - (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$166,278; and
- a down payment in the amount of \$8,752 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11.

Section 3. The sum of \$166,278, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$8,752, which amount represents the required down payment, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Borough in an amount not to exceed \$166,278 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Borough in an amount not to exceed \$166,278 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell all or part of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$35,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the amount of available grants; the maximum amount of obligations to be issued for said purpose and the period of usefulness of said purpose within the limitations of the Local Bond Law are as follows:

Purpose/Improvement	Estimate d Total Cost	Down Payment	Amount of Obligations	Period of Usefulness
A. Acquisition of Various Pieces of Equipment for the Fire Department including, but not limited to, Turnout Gear, Pagers, Hoses and Apparatus for Vehicles, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	17,530	877	16,653	5 years
B. Acquisition of Various Pieces of Equipment for the Police Department including, but not limited to, Signage and Traffic Carts, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	28,000	1,400	26,600	5 years
C. Various Improvements to the Public Works Building and the Fire House including, but not limited to, Roof and Door Replacement, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto, all as further described in the documentation on file and available for review at the Borough Clerk's office	69,500	3,475	66,025	15 years
D. Acquisition of Various Pieces of Equipment for Borough Hall including, but not limited to, a Security System and Lighting System, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	15,000	750	14,250	5 years

Purpose/Improvement	Estimated Total Cost	Down Payment	Amount of Obligations	Period of Usefulness
E. Required Contribution for the Acquisition of a Fire Truck, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	45,000	2,250	42,750	15 years
TOTAL	\$175,030	\$8,752	\$166,278	

Section 8. The average period of useful life of the purposes for the financing of which the Bond Ordinance authorizes the issuance of bonds or bond anticipation notes authorized for such several purposes, is not less than 11.54 years.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Borough, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$166,278 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. The full faith and credit of the Borough are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Borough shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

Section 12. The Borough hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Borough prior to the issuance of such bonds or bond anticipation notes.

Section 13. The Borough hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes; it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 14. The improvements authorized hereby are not current expenses and are improvements that the Borough may lawfully make. No part of the cost of the improvements

authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 15. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

**PUBLIC HEARING ON ORDINANCE 11-03 AMENDING CHAPTER 25 PARKS & PLAYGROUND FEES**

None

**ADOPT ORDINANCE 11-03 AMENDING CHAPTER 25 PARKS & PLAYGROUND FEES**

On a motion of Mrs. Fields and second of Mr. Brennan, Council adopted the following Ordinance:

**11-03**

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AMENDING CHAPTER 25, FEES, IN THE CODE OF THE BOROUGH OF MERCHANTVILLE**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Article II of Chapter 25, Fees for Public Records, in the Code of the Borough of Merchantville is hereby amended as follows:

**ARTICLE I. SECTION 25-7** Fee Schedule.

The following schedule of fees is hereby added to the fees so listed in Section 7 of Article II of Chapter 25 of the Code of the Borough of Merchantville, as follows:

Registration fees for the Summer Parks and Playgrounds program is as follows:

\$135.00 for Borough residents

\$160.00 for non-residents

**ARTICLE II.**

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

**ARTICLE III.**

This Ordinance shall take effect upon its passage and publication according to law.

**PUBLIC**

**Sue Walker, 23 W. Cedar Avenue**- representing the Evening Division Woman's Club. The Woman's organization began a service project called Knit Wits and they made over 90 lap robes for wounded servicemen. They have received a proclamation and a copy was given to council. Trash bags of yarn were donated, time and supplies. Cancer caps and pillows are now being sold. Will accept donations.

**Bill Walker, 23 W. Cedar Avenue**, questions talked about splitting town with yard waste change has not started yet. Official release sometime soon. Resolution for solid waste.

**Hadden Bernice, 129 Maple Terrace**-thank you for the police plaque.

**ENGINEER'S REPORT**-none

**APPROVAL OF MINUTES:** On a motion of Mr. Brennan and second of Mrs. Madden, with Mr. Volkert abstaining for the 3.14.11 minutes, Council approved the regular meeting minutes for 3.7.11, 3.14.11, 3.28.11 and 4.4.11.

## **CORRESPONDENCE**

### **COUNCIL REPORTS**

**Mrs. Fields**-reported on Parks & Playgrounds will be June 27 – July 29, minor issues at parks will be addressed before the program begins. Planning board will meet tomorrow with 2 applications. Code enforcement, Bill Watson is on vacation and has no report. Walk on resolution for appraisals, 174 Prospect should be completed, auditors here, 16 rentals at Community Center, 2 dog licenses issued, 344 death certificates.

**Mr. Volkert**-Task force will have Spring Clean Up day on May 14<sup>th</sup> from 9 to 12 and PNC Bank will sponsor food. The Car show is July 9<sup>th</sup>. Public Events hut gave away 10,000 eggs in 7 minutes. The Birthday celebration will be June 4<sup>th</sup> from 10 – 2:30 and will be a more traditional event. Shade Tree-held the annual Arbor Day and MPWC planted a tree and Shade Tree planted a tree in honor of Don LaJennesse. The Borough is a Tree City USA for 33 years in a row. The Mayor received a letter announcing that a tree will be donated to the Borough that was in the Space Shuttle.

**Mr. Brickley**- 1<sup>st</sup> grass cutting went well. Pick up of brush is difficult to get picked up on alternating weeks. A mailing will go out with a change . Pick up items for clean up day on Monday. Spring Fling this Saturday with June 9 as a rain date.

**Mr. Brennan**-Court collected \$12,528/19, added 337, dis 343, Fire 25 boro calls, 111 calls overall, Police 24 calls, 213 traffic, 84 parking, 34 criminal. May 23 is click it or ticket. 4 DWI

**Mrs. Madden**-Garden Club is up and running. The West End Task Force meeting are going well.

**Mr. Perno**-nothing to report at this time.

### **OLD BUSINESS**

### **NEW BUSINESS**

Oath of Office for Sergeant Tomas Whalen  
Oath of Office for Patrolman Richard Grassia  
Proclamation for National Police Week

**Approval**-Use of Wellwood Park for Memorial Day Ceremony-On a motion of Mr. Brickley and second of Mrs. Fields, council approved the use of Wellwood Park for Memorial Day Celebration.

**Approval**-Parks and Recreation sponsored Art program.

### **ORDINANCES FOR INTRODUCTION ON FIRST READING**

**Ordinance 11-04 Amending Chapter 60B Property Maintenance:** On a motion of Mrs. Madden and second of Mr. Volkert, the following Ordinance was introduced:

**11-04**

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING CHAPTER 60B, PROPERTY MAINTENANCE, OF THE CODE OF THE BOROUGH OF MERCHANTVILLE**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey that Chapter 60B, Property Maintenance, is hereby amended to the Code of the Borough of Merchantville, as follows:

ARTICLE I. SECTION 60B-4 Amendments to standards.

E. Section PM-304 shall be included in its entirety.

ARTICLE II. SECTION 60B-5 Unlawful acts.

It shall be unlawful for an owner, operator and/or occupier of property situate in the Borough of Merchantville to fail to comply with the Property Maintenance Code of the Borough of Merchantville.

ARTICLE III. SECTION 60B-6 Notice; Personal service.

The Code Enforcement Officer of the Borough of Merchantville, or his designee, shall serve written notice upon any such person described in Section 60B-5, describing the condition of the premises and demanding that the condition be abated within five (5) days of receipt of said notice, or an appropriate complaint shall be filed in violation of this Article.

ARTICLE IV. SECTION 60B-8 Corrective measures.

Where the owner, operator and/or occupier shall refuse and/or neglect to correct the violation(s) within five (5) days after the date of the notice as referenced in Section 60B-6 of this Chapter, or upon the expiration of five (5) days following posting of notice as provided in Section 60B-7 of this Chapter, or, in the case of a second or subsequent violation within one year from the date of the last notice, three days after the date of the notice as referenced in Section 60B-6 of this chapter, or upon the expiration of three days following posting of notice as provided in Section 60B-7 of this chapter, the Borough may correct or cause the violation(s) to be corrected, at the expense of the owner, operator and/or occupier of the property.

ARTICLE V. SECTION 60B-8.1 Subsequent remedial action; continuing notice.

Where the owner, operator and/or occupier refuses and/or neglects to correct the violation(s) within five (5) days after receipt of notice as referenced in Section 60B-6 of this chapter, or upon the expiration of five (5) days following posting of notice as provided in Section 60B-7 of this chapter, or, in the case of a second or subsequent violation within one year from the date of the last notice, three (3) days after the date of the notice as referenced in Section 60B-6 of this chapter, or upon the expiration of three (3) days following posting of notice as provided in Section 60B-7 of this chapter, and the Borough is required to take corrective measures as referenced in Section 60B-8 of this chapter, the notices given to the owner, operator and/or occupier of any such land shall be valid for subsequent remedial action to the property a period of 120 days from the expiration of five days following posting of notice as provided in Section 60B-7 of this chapter.

ARTICLE VI.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE VII.

This Ordinance shall take effect upon passage and publication according to law.

**Ordinance 11-05 WMA Redevelopment-Rehab Plan Ordinance:** On a motion of Mrs. Madden and second of Mr. Volkert, the following Ordinance was introduced

**11-05**

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY ADOPTING THE REDEVELOPMENT PLAN FOR BLOCK 9, LOTS 2, 3 AND 4, PREVIOUSLY DESIGNATED AS "AREAS IN NEED OF REDEVELOPMENT" WITHIN THE BOROUGH OF MERCHANTVILLE, AND ADOPTING THE REHABILITATION PLAN FOR BLOCK 9, LOTS 9, 10, 11 AND 12, PREVIOUSLY DESIGNATED AS "AREAS IN**

**NEED OF REHABILITATION" WITHIN THE BOROUGH OF MERCHANTVILLE, PURSUANT  
TO N.J.S.A. 40A:12-1 ET SEQ.**

**WHEREAS**, the Borough Council of the Borough of Merchantville, a municipal corporation in the County of Camden, State of New Jersey, has found that the public health, safety, morals and welfare of the community shall be promoted by the virtue of well planned redevelopment and rehabilitation; and

WHEREAS, on July 11, 2010, by Resolution No. 10-76, attached hereto and a part of this Resolution, the Borough Council of the Borough of Merchantville found that there was substantial evidence to support a finding that all of the properties designated as Block 9, Lots 2, 3 and 4, listed in "Preliminary Investigation for Determination of an Area in Need of Redevelopment – West Maple Avenue, Block 9, Lots 1-12 and Block 10, Lots 1-10," dated April 23, 2010, prepared by Remington & Vernick Engineers, Inc. of Haddonfield, New Jersey, attached hereto and a part of this Resolution, on the Official Tax Map located within the Borough of Merchantville, were areas in need of redevelopment and shall be designated as a "redevelopment area" pursuant to N.J.S.A. 40A:12A-6; and

**WHEREAS**, on July 11, 2010, by Resolution No. 10-76, attached hereto and a part of this Resolution, the Borough Council of the Borough of Merchantville found that there was substantial evidence to support a finding that all of the properties designated as Block 9, Lots 9, 10, 11 and 12, listed in "Preliminary Investigation for Determination of an Area in Need of Redevelopment – West Maple Avenue, Block 9, Lots 1-12 and Block 10, Lots 1-10," dated April 23, 2010, prepared by Remington & Vernick Engineers, Inc. of Haddonfield, New Jersey, attached hereto and a part of this Resolution, on the Official Tax Map located within the Borough of Merchantville, were areas in need of rehabilitation and shall be designated as a "rehabilitation area," pursuant to N.J.S.A. 40A:12A-6; and

**WHEREAS**, redevelopment and/or rehabilitation projects must be undertaken pursuant to a "redevelopment plan" or a "rehabilitation plan" adopted by municipal ordinance pursuant to N.J.S.A. 40A:12A-7, and said redevelopment plan and/or rehabilitation plan must include an outline for the planning, development, redevelopment or rehabilitation of the project area; and

**WHEREAS**, on October 18, 2010, the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey directed the Planning Board of the Borough of Merchantville to prepare a proposed redevelopment plan and a proposed rehabilitation plan for those areas so designated as "areas in need of redevelopment" and as "areas in need of rehabilitation," respectively, by Resolution No. 10-109 of the Mayor and Borough Council of the Borough of Merchantville; and

**WHEREAS**, on April 26, 2011, the Planning Board of the Borough of Merchantville adopted a Resolution, attached hereto as "Exhibit A," recommending to the Mayor and Borough Council of the Borough of Merchantville the adoption of the Redevelopment Plan and of the Rehabilitation Plan, as revised, attached hereto as "Exhibit B," for those areas so designated as "areas in need of redevelopment" and as "areas in need of rehabilitation," respectively, by Resolution April 26, 2011; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Merchantville, that the Redevelopment Plan and the Rehabilitation Plan, prepared by Remington & Vernick Engineers, dated April 1, 2011, as revised, attached hereto as "Exhibit B," for those areas of land within the Borough of Merchantville, more particularly described as Block 9, Lots 2, 3 and 4 on the Official Tax Map of the Borough of Merchantville, designated as "areas in need of redevelopment," and for those areas of land within the Borough of Merchantville, more particularly described as Block 9, Lots 9, 10, 11 and 12 on the Official Tax Map of the Borough of Merchantville, designated as "areas in need of rehabilitation," by Resolution No. 10-76, dated July 11, 2010, for approval by the Mayor and Borough Council of the Borough of Merchantville, be and hereby is adopted.

**Resolutions to be read by consent agenda:** On a motion of Mr. Brickley and second of Mrs. Madden, Council approved the following resolutions by consent agenda:

**R11-56**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY FOR THE ANNUAL APPOINTMENT OF DENISE BROUSE AS THE REGISTRAR OF VITAL STATISTICS OF THE BOROUGH OF MERCHANTVILLE**

**WHEREAS**, N.J.S.A. 26:8-11 requires the Municipal Clerk be appointed as the local registrar in any district having a population of less than 5,000 ; and

**WHEREAS**, Denise Brouse is the Borough Clerk and therefore will be appointed as the Registrar of Vital Statistics for the Borough of Merchantville;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Merchantville that Denise Brouse be and is hereby appointed to the position of Registrar of Vital Statistics for an annual term commencing April 28, 2011 and concluding on April 28, 2012.

**R11-57**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY FOR THE ANNUAL APPOINTMENT OF DENISE BROUSE AS THE MUNICIPAL CLERK OF THE BOROUGH OF MERCHANTVILLE**

**WHEREAS**, N.J.S.A. 40A:9-133 states that in every municipality there shall be a municipal clerk appointed by the governing body of the municipality for the term of three (3) years; and

**WHEREAS**, the Mayor and Council of the Borough of Merchantville recommended the appointment of Denise L. Brouse as Municipal Clerk enacted on April 28, 2010;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Merchantville that the appointment of Denise L. Brouse to the position of Municipal Clerk for an annual term commencing April 28, 2011 and concluding on April 28, 2012.

**R11-58**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPOINTING JOANNE LEWIS AS THE DEPUTY REGISTRAR OF VITAL STATISTICS OF THE BOROUGH OF MERCHANTVILLE**

**WHEREAS**, N.J.S.A. 26:8-11 requires the Municipal Clerk be appointed as the local registrar in any district having a population of less than 5,000; and

**WHEREAS**, the Municipal Clerk can appoint a Deputy Registrar and it is the desire of the Municipal Clerk at this time to appoint a Deputy Registrar;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Merchantville that Joanne Lewis be and is hereby appointed to the position of Deputy Registrar of Vital Statistics for an annual term commencing May 9, 2011 and concluding on May 9, 2012.

**RESOLUTION 11-59**

**RESOLUTION REGARDING RULES OF COUNCIL FOR 2011**

**BE IT RESOLVED** that the rules attached hereto shall govern the Borough Council for the year 2011.



**R11-60****RESOLUTION AUTHORIZING THE BOROUGH OF MERCHANTVILLE TO PARTICIPATE WITH THE TOWNSHIPS OF GLOUCESTER, CHERRY HILL AND VOORHEES AND ANY OTHER TOWN THAT WOULD LIKE TO PARTICIPATE IN SEEKING A BID FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES**

**WHEREAS**, the Borough of Merchantville, the Townships Cherry Hill, Gloucester, Voorhees, and any other town that would like to participate, created a Shared Services Agreement to allow for the combined efforts in securing solid waste collection services; and

**WHEREAS**, bids were received and opened for solid waste collection services and the group effort proved to be beneficial for all parties involved; and

**WHEREAS**, Cherry Hill Township is preparing to seek bids for solid waste disposal services; and

**WHEREAS**, the Borough of Merchantville has determined that it is in the best interests of the Borough to again participate in a shared services cooperative purchasing agreement for solid waste disposal.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Merchantville that the Borough be and is hereby authorized to participate with the Township of Gloucester, the Township of Voorhees and the Township of Cherry Hill and any other town that would like to participate in seeking a bid for solid waste disposal.

**R11-61****RESOLUTION ADOPTING THE 3-YEAR COOPERATION AGREEMENT WITH THE COUNTY OF CAMDEN**

**WHEREAS**, the Borough of Merchantville, and the County of Camden wish to establish a cooperative means of conducting certain eligible community development and affordable housing activities; and

**WHEREAS**, the Uniform Shared services and Consolidation Act (N.J.S.A. 40A:65-4 et seq.) permits local units such as counties and municipalities to enter into agreements for the provision of joint services; and

**WHEREAS**, Title 1 of the Housing and Community Development Act of 1974, the Housing and Urban-Rural Recovery Act of 1983, and the HOME Program Act of 1991, as amended, provides federal funds being made available to Camden County for use to carry out eligible Community Development Activities therein; and

**WHEREAS**, the Borough of Merchantville will propose certain activities to be carried out under the 34th, 35th and 36th year Community Development and HOME Programs; and

**WHEREAS**, the aforesaid activities are in the best interest of the Borough of Merchantville;

**NOW, THEREFORE, BE IT RESOLVED**, by the GOVERNING BODY that the 34th, 35th and 36th Year Cooperation Agreement be adopted;

**BE IT FURTHER RESOLVED** that this resolution shall take effect immediately upon its enactment.

**R11-62 (EXHIBIT "A")****INTERLOCAL SERVICES AGREEMENT BY AND BETWEEN THE BOROUGH OF MERCHANTVILLE AND THE MERCHANTVILLE BOARD OF EDUCATION RELATIVE TO CERTAIN PROFESSIONAL SERVICES**

**THIS DOCUMENT** constitutes an Interlocal Services Agreement pursuant to N.J.S.A. 40:8A-1 et seq. entered into by and between the Borough of Merchantville, a body politic and corporate of the State of New Jersey with offices located at 1 West Maple Avenue, Merchantville, New Jersey 08109 (Merchantville), and the Merchantville Board of Education, a municipal school board organized under the laws of the State of New Jersey with offices located on South Centre

Street, Merchantville, New Jersey 08109 (Board of Education). The effective date of this Agreement is the April 28, 2011.

**W I T N E S S E T H**

**WHEREAS**, the Borough of Merchantville (hereinafter "Merchantville") is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

**WHEREAS**, the Merchantville Board of Education (hereinafter "Board of Education") is a municipal school board organized under the laws of the State of New Jersey and located in Camden County; and

**WHEREAS**, the Mayor and Borough Council of the Borough of Merchantville, duly elected pursuant to statute, after a careful survey, have concluded that the residents of Merchantville will best be served when certain professional services on the grounds of and the athletic fields of the Board of Education are performed by the Public Works Department of the Borough of Merchantville; and

**WHEREAS**, by negotiations previously had between Board of Education and Merchantville, the terms and provisions hereafter set forth were determined and agreed thereto;

**WHEREAS**, Merchantville and Board of Education intend by virtue of this document to set forth the terms and conditions of this Agreement;

**WHEREAS**, the proper and respective public officials were authorized to execute this Interlocal Services Agreement pursuant to Resolutions of their respective public entities, attached hereto and made a part of this Agreement;

**NOW, THEREFORE, AND IN CONSIDERATION** of the mutual promises set forth herein, the parties hereto agree as follows:

**1. PURPOSE**

The professional services for the Board of Education are to be performed by the Public Works Department of the Borough of Merchantville, including, snow removal on the parking lots at the Merchantville School on South Centre Street, as well as the mowing, edging and maintenance of the athletic fields belonging to the Board of Education located on Victoria Street in Pennsauken, New Jersey. This Agreement shall not include the lining of any sports fields for either the Board of Education or any other organization utilizing said facilities.

It is distinctly understood and agreed that Merchantville will supply the apparatus and equipment as needed for the mutual performance of their obligations under this Agreement. It is understood and agreed that the Board of Education will permit Merchantville to utilize the apparatus and equipment owned by the Board of Education as needed. It is understood and agreed that Merchantville will supply the manpower consisting of such employees of the Public Works Department of the Borough of Merchantville as so designated by Merchantville to perform its obligations under this Agreement.

**2. TERM**

The services to be furnished hereunder shall commence on the 1st day of May, 2011, and ending on July 31, 2012.

**3. ALLOCATION OF PAYMENTS**

The Merchantville Board of Education, for certain professional services on the grounds of the Board of Education to be performed by the Public Works Department of the Borough of Merchantville to be rendered under this Agreement, will pay Merchantville the sum of Nine Thousand, Six Hundred Dollars (\$9,600.00). This amount shall be payable on or before July 31, 2011.

**4. AUDIT**

Pursuant to the Single Audit Act of 1984, Merchantville agrees to permit the Board of Education and/or its agents to examine any and all records relevant to this Agreement and shall make the same available upon demand at a reasonable time and place for the purpose of auditing the records, reports and documents relative to this Agreement.

**5. INDEMNIFICATION**

Merchantville and Board of Education shall indemnify and hold each other harmless and defend each other, its elected officials, employees, officers and agents, from and against all liability,

claims, suits, losses, damages, costs and demands, on account of bodily injury, including death or property damage, arising out of or connected with the performance of the services under this Agreement.

The execution and delivery of this Agreement shall not be construed to confer any right of action against Board of Education on behalf of Merchantville or on behalf of any other person, natural or otherwise, for any failure, neglect or breach of any term, covenant or condition thereof. The Agreement and all of its terms, conditions and provisions are solely for the benefit of Board of Education and Merchantville and it is understood and agreed between the parties hereto that the sole remedy of Board of Education in the event of any failure or breach of this Agreement shall be the termination hereof.

#### 6. NOTICES

All notices hereunder shall be in writing and sent certified mail, return receipt requested for the Board of Education to the Board Secretary, Merchantville Board of Education, at South Centre Street, Merchantville, New Jersey 08109, and for the Borough of Merchantville to the Borough Clerk, Borough of Merchantville, at 1 West Maple Avenue, Merchantville, New Jersey 08107.

#### 7. MISCELLANEOUS

The following provisions shall apply to this agreement:

##### a. Construction of this Agreement

The parties acknowledge that this Agreement was prepared under New Jersey Law and shall therefore be interpreted under the laws of that State.

##### b. Amendments

This Agreement may not be amended, altered or modified in any manner except in writing signed by the parties hereto.

##### c. Headings

This section and any other headings contained in this Agreement are for references only and shall not affect the meaning and interpretation of this Agreement.

##### d. Invalid Clause

The invalidity of any clause contained herein shall not render any other provision invalid and the balance of this Agreement shall be binding upon all parties hereto.

##### e. Entire Agreement

This Agreement shall consist of the entire Agreement of the parties and it is acknowledged that there is no side or oral Agreements relating to this undertaking as set forth.

##### f. Assignability

This Agreement and all rights, duties and obligations contained herein may not be assigned without either party's prior written permission.

##### g. Affirmative Action

The affirmative action provisions set forth in the document attached hereto as Exhibit "A" are incorporated herein and made a part hereof.

##### Funding

In accordance with the provisions of N.J.S.A. 40A:11-15, this Agreement is subject to the availability and appropriation of sufficient funds in the year in which it is in effect.

##### i. Waiver

It is understood and agreed by the parties that a failure or delay in the enforcement of any of the provisions of this Agreement by either of the parties shall not be construed as a waiver of those provisions.

**IN WITNESS WHEREOF**, the appropriate elected officials of the Borough of Merchantville have placed their signatures and appropriate seals on this 28th day of April, 2008.

**R11-65**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,  
COUNTY OF CAMDEN, STATE OF NEW JERSEY TO APPROVE A  
RAFFLE LICENSE FOR THE MERCHANTVILLE Task Force**

**WHEREAS**, Merchantville Task Force has applied for and received an identification number 521750400 allowing Merchantville Task Force the ability to conduct raffle licenses with proper approval; and

**WHEREAS**, Merchantville Task Force has properly completed the raffle license application and at least 7 days have elapsed between the time the application was filed and the time that the Borough Council made their findings and determination with checks to the Borough of Merchantville in the amount of \$20.00 each and checks to the Legalized Games of Chance Control Commission in the amount of \$20.00 each and that 15 days will elapse between the time the municipality forwards the application to the control commission and the date the license is issued to the applicant ; and

**WHEREAS**, Council person Fields, Director of the Department of Records and Licenses, has reported that the laws and regulations have been met, and that she recommends the granting of said license; and

**WHEREAS**, the Borough Clerk has reported that the legal preliminaries have been strictly complied with;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council be and is hereby authorized to issue a Raffle license numbered 11-CS001 to Merchantville Task Force for the raffle taking place on July 9, 2011.

#### **R11-66**

#### **RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY AUTHORIZING THE PURCHASE OF BOROUGH POLICE VEHICLE**

**WHEREAS**, the Borough Council of the Borough of Merchantville has gone out to bid for one Chevy Impala automobile 2011 police equipped vehicle; and

**WHEREAS**, Chapman Chevrolet has a state contract number A72469 to purchase police vehicles; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds;

**NOW, THEREFORE, BE IT RESOLVED**, that approval has been granted for the purchase of, one Chevy Impala automobile 2011 police equipped vehicle at a total cost of \$19,173.00 from Chapman Chevrolet, 6925 Essington Avenue, Philadelphia, PA 19153.

#### **R11-67**

#### **RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING "PROFESSIONAL PROPERTY APPRAISERS" AS THE PROFESSIONAL TO COMPLETE THE REVALUATION FOR THE BOROUGH OF MERCHANTVILLE**

**WHEREAS**, the Borough of Merchantville is required , in order to conform with the specifications of the standard set forth in the law of the State of NJ and the Directives of the Division of Taxation and the Department of Treasury to have a Revaluation of real property every ten years; and

**WHEREAS**, the last time a Revaluation of property for the Borough of Merchantville was completed was in 1991; and

**WHEREAS**, the Governing Body of the Borough of Merchantville desires to have the Revaluation completed and an RFP and advertisement has been completed; and

**WHEREAS**, the Tax Assessor and Borough council have chosen Professional Property Appraisals to perform the necessary professional services to complete the requirements for the Revaluation in the amount not to exceed \$114,975.00;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Merchantville, in the County of Camden, State of New Jersey, hereby authorize Professional Property Appraiser Inc., 8008 Route 130N, Building A, Suite 214, PO Box 905, Delran NJ 08075 to complete the Revaluation of property for the Borough of Merchantville.

**R11-68****Resolution OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY Requesting Approval of Items of Revenue**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an appropriation for the equal amount;

**WHEREAS**, the Municipal Drug Alliance Program requires a match to the grant in the amount of \$ 4,275.00 from the 2011 Municipal Budget Matching Funds for Grants budget line;

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Merchantville, in the county of Camden, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2008 in the sum of \$ 72,713.00, which is now available as a revenue from the State Pursuant to the provision of the statute, and

**BE IT FURTHER RESOLVED** that the like sum of \$ 72,713.00 is hereby appropriated under the caption Special items of General Revenue; and

**BE IT FURTHER RESOLVED** that the above is a result of a State grants of \$ 72,713.00 from:

DVRPC-Transportation & Community Development Initiative	60,000.00
2011 Click it or Ticket Grant	4,000.00
Municipal Drug Alliance Program	8,713.00
<b>TOTAL</b>	<b>72,713.00</b>

**Resolution 11-63 Accept gift of 174 Prospect Avenue:** On a motion of Mrs. Fields and second of Mr. Volkert, Council approved the following resolution:

**R11-63****RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY ACCEPTING OF THE GIFT FROM ALBERT C. STOVER OF CERTAIN LANDS WITHIN THE BOROUGH OF MERCHANTVILLE AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO IMPLEMENT SAID PURCHASE**

**WHEREAS**, the Borough of Merchantville (hereinafter "Merchantville") is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

**WHEREAS**, Albert C. Stover (hereinafter "Stover") is an individual currently residing at 5020 Lexington Avenue, in Township of Pennsauken, County of Camden and State of New Jersey, who is the owner of real property located at 174 Prospect Street, more fully described as Lot 9.01 in Block 40 on the Official Tax Map of the Borough of Merchantville; and

**WHEREAS**, Stover, in resolution of, and in consideration of the withdrawal by Merchantville of adverse actions against Stover and the property under the New Jersey Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., wishes to gift the real property located at 174 Prospect Street, more fully described as Lot 9.01 in Block 40 on the Official Tax Map of the Borough of Merchantville, to the Borough of Merchantville; and

**WHEREAS**, Merchantville wishes to accept the gift of this above referenced property from Stover for consideration in the amount of One (\$1.00) Dollar, pursuant to and in furtherance of the authority granted to the municipality under the New Jersey Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., and

**WHEREAS**, the purchase of this property by Merchantville is consistent with and in furtherance of the best interests of the Borough of Merchantville; and

**WHEREAS**, Merchantville and Stover will reduce the terms and conditions of this Agreement to a Deed, Affidavit of Title and Affidavit of Consideration, among other documents; and

**WHEREAS**, it is the intention of the Mayor and Borough Council of the Borough of Merchantville to authorize the proper municipal officials to execute the appropriate documents on behalf of the Borough of Merchantville.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, State of New Jersey that, pursuant to and in furtherance of the authority granted to the municipality under the New Jersey Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., the gift of real property more fully described as Lot 9.01 in Block 40 on the Official Tax Map of the Borough of Merchantville from Albert C. Stover be and is hereby accepted; and

**AND BE IT FURTHER RESOLVED** that Frank M. North, Mayor of the Borough of Merchantville and Denise Brouse, Borough Clerk of the Borough of Merchantville, be and hereby are authorized to execute all documents necessary to implement said transaction on behalf of the Borough of Merchantville.

**Resolution 11-64 Accept bid for 174 Prospect Avenue:** On a motion of Mr. Brickley and second of Mr. Perno, Council approved the following resolution:

#### **R11-64**

#### **RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY ACCEPTING OF THE BID OF WILLIAM DECKER TO PURCHASE CERTAIN LANDS WITHIN THE BOROUGH OF MERCHANTVILLE AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO IMPLEMENT SAID SALE**

**WHEREAS**, the Borough of Merchantville (hereinafter "Merchantville") is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

**WHEREAS**, Merchantville, pursuant to N.J.S.A. 40A:12-13 et seq., has publically advertised for the submission of bids for the sale of certain real property located at 174 Prospect Street, more fully described as Lot 9.01 in Block 40 on the Official Tax Map of the Borough of Merchantville, contingent upon the acquisition by Merchantville of fee simple title to said real property, with said bid to be received by Merchantville on or before 11:00 o'clock on April 29, 2011, with a minimum price of Five Thousand (\$5,000.00) Dollars; and

**WHEREAS**, the only bid received by Merchantville on or before 11:00 o'clock on April 29, 2011, was received from William Decker (hereinafter "Decker"), an individual residing at 16 Lakeside Avenue, in Township of Cherry Hill, County of Camden and State of New Jersey, who submitted a bid of Five Thousand, One Hundred (\$5,100.00) Dollars for the real property located at 174 Prospect Street, more fully described as Lot 9.01 in Block 40 on the Official Tax Map of the Borough of Merchantville; and

**WHEREAS**, Merchantville wishes to accept the bid of Decker for this above referenced property for the consideration of Five Thousand, One Hundred (\$5,100.00) Dollars, contingent upon the acquisition by Merchantville of fee simple title to said real property, pursuant to and in furtherance of the authority granted to the municipality under the New Jersey Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., and

**WHEREAS**, the sale of this property by Merchantville is consistent with and in furtherance of the best interests of the Borough of Merchantville; and

**WHEREAS**, Merchantville and Decker will reduce the terms and conditions of this transaction to an Agreement of Sale, Deed, Affidavit of Title and Affidavit of Consideration, among other documents; and

**WHEREAS**, it is the intention of the Mayor and Borough Council of the Borough of Merchantville to authorize the proper municipal officials to execute the appropriate documents on behalf of the Borough of Merchantville.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, State of New Jersey that the bid of William Decker for the real property more fully described as Lot 9.01 in Block 40 on the Official Tax Map of the Borough of Merchantville, for the consideration of Five Thousand, One Hundred (\$5,100.00) Dollars, contingent upon the acquisition by Merchantville of fee simple title to said real property, pursuant to and in furtherance of the authority granted to the municipality under the New Jersey Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., be and hereby is accepted; and

**AND BE IT FURTHER RESOLVED** that Frank M. North, Mayor of the Borough of Merchantville and Denise Brouse, Borough Clerk of the Borough of Merchantville, be and hereby are authorized to execute all documents necessary to implement said transaction on behalf of the Borough of Merchantville.

**PAYMENT OF BILLS** : On the motion of Mrs. Fields and second of Mr. Volkert, (with Mr. Brickley abstaining) Council approved the following resolution:

**R11-70  
RESOLUTION**

**RESOLVED** that the Report of the Department of Accounts and Auditing be accepted and spread upon the minutes and the Treasurer be is hereby authorized to pay bill approved therein.

<b>CURRENT FUND</b>	<b>REVENUE</b>	<b>BUDGET</b>
CHECKS CURRENT FUND		
2011 BUDGET	1,258.29	203,350.90
GRANTS		5,467.82
DEBT SERVICE		
BOARD OF EDUCATION*		1,122,333.50
CAMDEN COUNTY		495,312.40
WIRE TRANSFERS PAYROLL		
WIRES / MANUAL CHECKS		353,107.08
<b>TOTAL CURRENT</b>	<b>1,258.29</b>	<b>2,179,571.70</b>
<b>SEWER UTILITY</b>		
CHECKS SEWER FUND		
2011 BUDGET		820.15
DEBT SERVICE		
WIRE TRANSFERS PAYROLL		
WIRE NJEIT LOAN		
WIRES /MANUAL CHECKS		
<b>TOTAL SEWER</b>	<b>0.00</b>	<b>820.15</b>
<b>GENERAL CAPITAL FUND</b>		
CHECK CAPITAL FUND		2,644.19
MANUAL CHECK		
WIRE TRANSFERS PAYROLL		
<b>TOTAL CAPITAL</b>	<b>0.00</b>	<b>2,644.19</b>
<b>TRUST FUND</b>		
CHECK TRUST OTHER FUND		1,358.62
WIRE TRANSFERS PAYROLL		

WIRES / MANUAL CHECKS			
	TOTAL TRUST	0.00	1,358.62
<b>SEWER CAPITAL FUND</b>			
CHECK SEWER CAPITAL			
MANUAL CHECKS			
WIRE TRANSFERS PAYROLL			
	TOTAL SEWER CAPITAL	0.00	0.00
<b>RECREATION TRUST</b>			
	CHECK RECREATION TRUST	600.00	506.31
MANUAL CHECKS			
WIRE TRANSFERS PAYROLL			
	TOTAL SEWER CAPITAL	600.00	506.31
<b>ANIMAL TRUST FUND</b>			
	ANIMAL TRUST CHECK		5.40
	TOTAL ANIMAL TRUST	0.00	5.40
<b>UNEMPLOYMENT</b>			
UNEMPLOYMENT CHECK			
	TOTAL UNEMPLOYMENT	0.00	0.00
	<b>TOTAL BILL LIST &amp; MANUAL CHECKS/WIRE</b>	<b>1,858.29</b>	<b>2,184,906.37</b>

**ANNOUNCEMENTS:** Reappoint Burt German to Water Commission for 5 year term. Read Woman's club award, birthday celebration update, received conference table and chairs, auditors are finished, DVRPC meeting is Thursday. Energy grant is approved and should begin within next few weeks. Fire Department ramp end of May, Locust Street end of May.

**PRIVATE SESSION:** On a motion of Mr. Brickley and second of Mr. Brennan, Council adjourned into private session to discuss matters of possible litigation and contract negotiations.

**R11-73  
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,  
COUNTY OF CAMDEN AND STATE OF NEW JERSEY  
AUTHORIZING A PRIVATE SESSION OF COUNCIL**

**Joseph Brickley** offered the following resolution and moved its adoption:

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:



**Possible Litigation and Contract negotiations**

3. It is anticipated at this time that the above stated subject matter shall be made public.
4. This Resolution shall take effect immediately.

Seconded by **Ed Brennan** and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Mrs. Fields	( x )	( )	( )	( )
Mr. Volkert	( x )	( )	( )	( )
Mr. Brickley	( x )	( )	( )	( )
Mr. Perno	( x )	( )	( )	( )
Mrs. Madden	( x )	( )	( )	( )
Mr. Brennan	( x )	( )	( )	( )

**ADJOURNMENT:** On the motion of Mr. Brickley and second of Mr. Brennan the meeting was adjourned at 8:54 PM.

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DENISE BROUSE  
BOROUGH CLERK